



REPORT

To: Chair and Directors

Report Number: DS-BRD-370

From: Ashley Murphey RPP, MCIP, GM of Development Services

Date: January 11, 2024

Subject: Agricultural Land Reserve Exclusion Application, PRRD File No. 23-001

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board respectfully refuse the Agricultural Land Reserve Exclusion Application No. 23-001 ALR EXC, for the subject property identified as PID: 011-513-900 as it is not consistent with the OCP or the PRRD ALR Exclusion Policy No. 0340-63.

BACKGROUND/RATIONALE:

Proposal

The applicant is seeking to exclude the property identified as PID: 011-513-900 from the Agricultural Land Reserve, with the intention of rezoning the lands to Light Industrial.

Rationale

Refusal is being recommended as the proposal is inconsistent with the North Peace Fringe Area Official Community Plan Bylaw No. 2460, 2021 (NPFA OCP) and PRRD ALR Exclusion Policy No. 0340-63. If excluded the applicant intends to rezone the subject property to Light Industrial, which is inconsistent with the surrounding land uses and ultimately is not supportive of agriculture in the long term.

File Details

Owner: Rose Fuhr
Agent: Parker Minard, McElhanney
Area: Electoral Area C
Location: Baldonnel
Legal: Lot 1 Section 23 Township 83 Range 18 West of the 6th Meridian Peace River District Plan 17303
PID: 011-513-900
Civic Address: 7067 257 Rd
Lot Size: 2.96 ha (7.31 ac)

ALR Exclusion Policy

As per the PRRD ALR Exclusion Policy No. 0340-63, the following criteria have been used by staff to assess the private landowner exclusion application for ALR exclusion:

1. Land use designation in the Official Community Plan and relevant policies

The subject property is designated Light Service Industrial (LSI). Land within this designation should generally be used for industrial uses that service the natural resource sector and nearby residents and

businesses. The intent of this OCP designation was to permit more industrious farming practices that could service the community, as the subject property is zoned Agricultural-Industrial (I-3).

Pursuant to Section 4.3 of the NPFA OCP, the regional district should consider ALR block exclusion on parcels that are within the Charlie Lake sewer area or on lands that are not currently used or designated as agriculture. The subject property is outside of the Charlie Lake sewer area and has historically been used for agricultural uses, such as a honey processing facility. Therefore, the parcel is still deemed capable of agricultural production of goods and is not consistent for consideration to be excluded from the ALR, nor is the proposal consistent with the OCP.

2. Applicable zone in the Zoning Bylaw

Pursuant to Zoning Bylaw No. 1343, 2001, the subject property is zoned Agricultural Industrial (I-3). Land within this zone may be used for industrial agricultural activity like an Agri-outlet, Processing facility for agriculture products, auction market, abattoir, bulk fuel sales, and farm equipment sales along with additional accessory uses. The I-3 zone is intended to allow more industrious agriculture activity that may not otherwise be permitted in the Large Agricultural Holdings zone.

The applicant is proposing to exclude the subject property and then rezone the lands to light industrial. Light industrial zoning does not promote agriculture as it would allow further development of the parcel and doesn't permit any agricultural uses. This is not consistent with the surrounding residential and agricultural land uses; therefore, the proposal is not consistent with zoning.

3. Surrounding land uses

The subject parcel abuts Hwy 97 N and is located 830 m east of Fort St. John. The adjacent and surrounding land uses are agricultural, and residential in nature. To the south, east, and west of the parcel lies agricultural land within the agricultural land reserve. To the north of the subject parcel are properties that are residential in nature that are zoned R-4 and R-5. As the applicant intends to rezone the subject property to light industrial if the exclusion application is approved, the proposal is not consistent with the surrounding land uses.

4. Percentage of the parcel in the ALR and Size of parcel

The entirety of the subject parcel is within the ALR. An ALR Exclusion will result in a 2.96 ha (7.31 ac) loss of agricultural land.

5. History of ALR Exclusions in the surrounding area

All lands immediately adjacent to the subject property are within the ALR.

6. Rationale provided by the landowner (including any studies or plans provided)

The applicant wishes to pursue an ALR exclusion to facilitate rezoning the subject parcel to Light Industrial (I-1) as the subject parcel is designated Light Service Industrial pursuant to the North Peace Fringe Area OCP Bylaw No. 2460, 2021.

7. Potential Impacts for the surrounding area and broader agricultural community

Given the parcel's proximity to surrounding agricultural properties, there's a concern that an exclusion from the ALR could adversely impact neighboring agricultural lands. The exclusion would facilitate the

applicant’s intent to rezone the parcel to Light Industrial which would allow more intensive forms of industrial activities in close proximity to both farms within the ALR and residential housing north of the Highway, which could increase land use conflicts.

8. Ministry of Agriculture feedback on the Proposal

The Ministry of Agriculture has expressed their interest that it is unclear how this proposal and ALR exclusion is going to benefit agriculture, noting that the subject parcel is considered “prime agriculture land” within the Peace Region. The letter submitted by the Ministry of Agriculture is attached to this report for information.

9. Soils classification and agricultural capability

According to the Canada Land Inventory, soils on the subject property are classified as 2C. Class 2 soils have moderate limitations that restrict the range of crops or require moderate conservation practices. Subclass C denotes adverse climate. Based on the soil and the flat topography of the land, the subject parcel is deemed highly capable for agriculture.

Background

March 18, 2011	The applicant submitted a Temporary Use Permit Application with the Peace River Regional District to use the existing honey building as a fitness centre.
November 18, 2011	Applicant applied for a Non-Farm Use Application with the Agricultural Land Commission (ALC) to allow for a fitness facility to operate out of the existing honey building.
January 26, 2012	The Regional Board approved and issued temporary use permit No. 187/2011 to Rose Fuhr for a duration of three years from the date of issuance to use the vacant 5,592 ft ² building for a fitness facility.
October 24, 2012	The ALC authorized the Non-Farm Use for the sole benefit of the property owner and it is non-transferable.
August 18, 2023	The applicant submitted a rezoning application with the PRRD to rezone the subject parcel from Agriculture Industrial Zone (I-3) to Light service industrial (I-1). The applicant has chosen to withhold this application from proceeding to the Regional Board until the ALR Exclusion application is considered.
August 18, 2023	The Applicant submitted this ALR Exclusion Application for consideration to the Regional Board.

Comments & Considerations

Population & Traffic

An increase to traffic could be expected depending on the future use of the subject property.

Sewage & Water

The property is serviced by a lagoon and cistern.

Land

There are two water dugouts at the southern end of the property, and the eastern portion of the property has a large lagoon that services the buildings on the parcel.

Structures

There are three structures on the subject parcel, a dwelling unit, and two large agricultural buildings that were historically used for honey production.

Access

The property is accessed from the west via 257 Road.

Fire Protection Area

The subject property is within the Taylor Rural Fire Protection Area.

Mandatory Building Permit Area

The subject property is within the Mandatory Building Permit Area.

Development Permit Area

The subject property is within the Industrial Development Permit Area pursuant to the North Peace Fringe Area Official Community Plan Bylaw No. 2460, 2021. A Development Permit will be required prior to any construction occurring.

Development Cost Charge Area

The subject property is outside the Development Cost Charge Area.

School District 60 School Site Acquisition Charge Area

The subject property is within the School District 60 School Site Acquisition Charge Area. However, the charge is not applicable at this time because no new residential lots are proposed.

Comments Received from Municipalities & Provincial Agencies

Bylaw Enforcement Officer

The PRRD does not have an active bylaw enforcement file on this property.

PRRD GIS Department

No Concerns.

Ministry of Agriculture

Unclear how the proposal is supportive of agriculture. See Attached Letter.

ALTERNATIVE OPTIONS:

1. That the Regional Board support Agricultural Land Reserve Exclusion Application No. 23-001 ALR EXC, for the subject property identified as PID: 011-513-900 to proceed to the Agricultural Land Commission.
2. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

- Not Applicable to Strategic Plan

FINANCIAL CONSIDERATION(S):

None at this time.

COMMUNICATIONS CONSIDERATION(S):

The Regional Board’s decision will be communicated to the applicant.

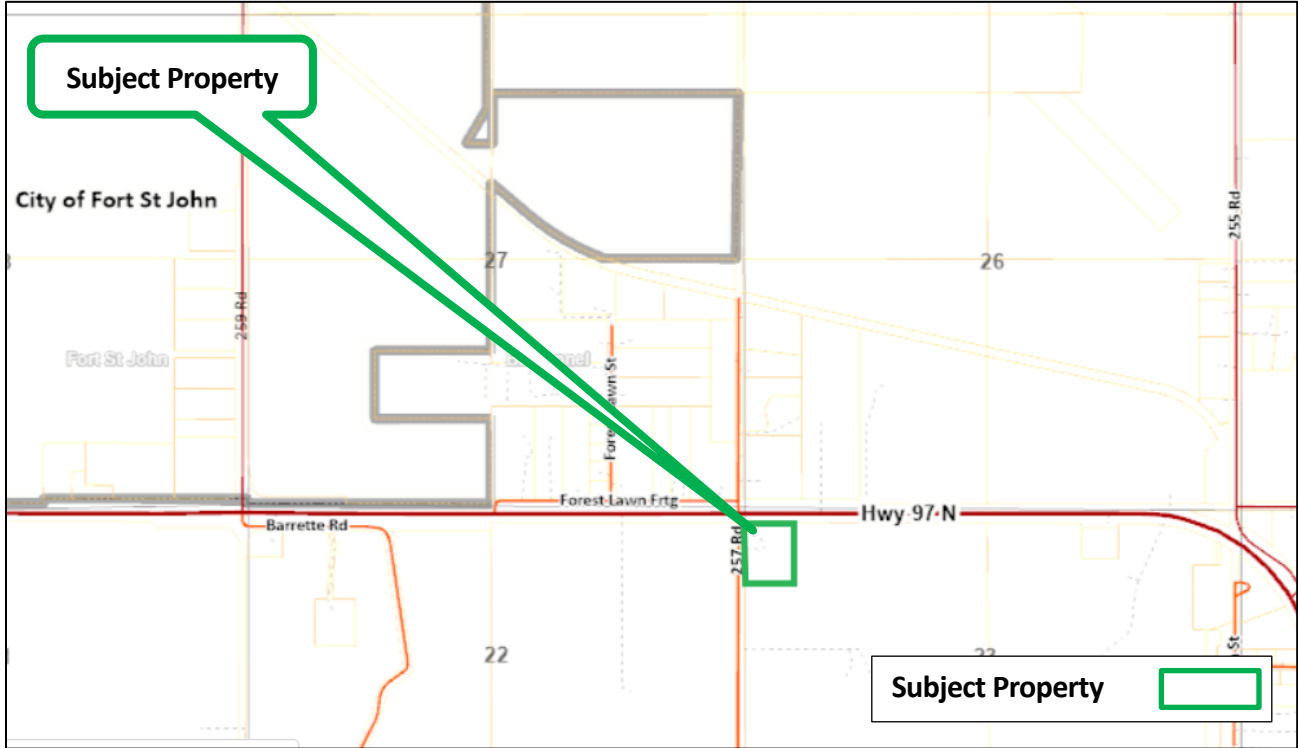
OTHER CONSIDERATION(S):

Should the Regional Board authorize the Exclusion application to proceed, the PRRD will become the applicant to the ALC and will be required to adhere to the ALC’s exclusion application process on behalf of the landowner.

Attachments:

1. Maps, PRRD File No. 23-001 ALR EXC
2. Application, PRRD File No. 23-001 ALR EXC
3. Letter from the Ministry of Agriculture, PRRD File No. 23-001 ALR EXC

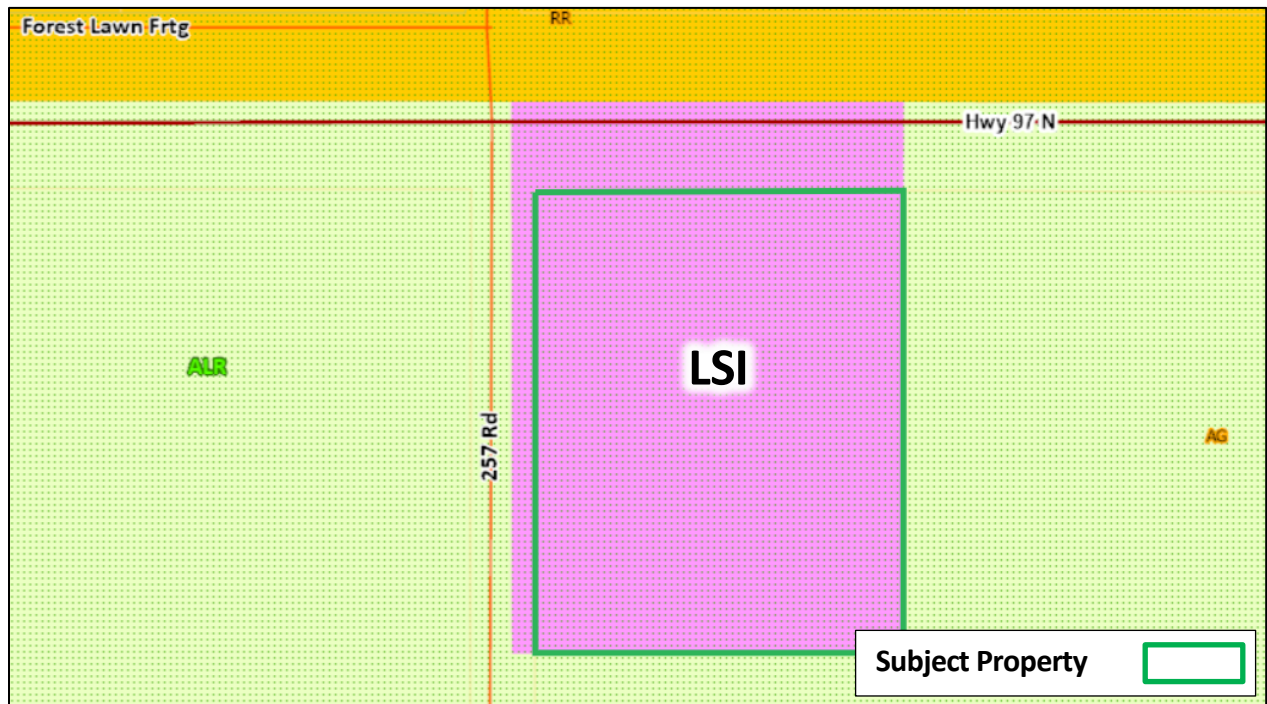
Location: Baldonnel area



Aerial imagery



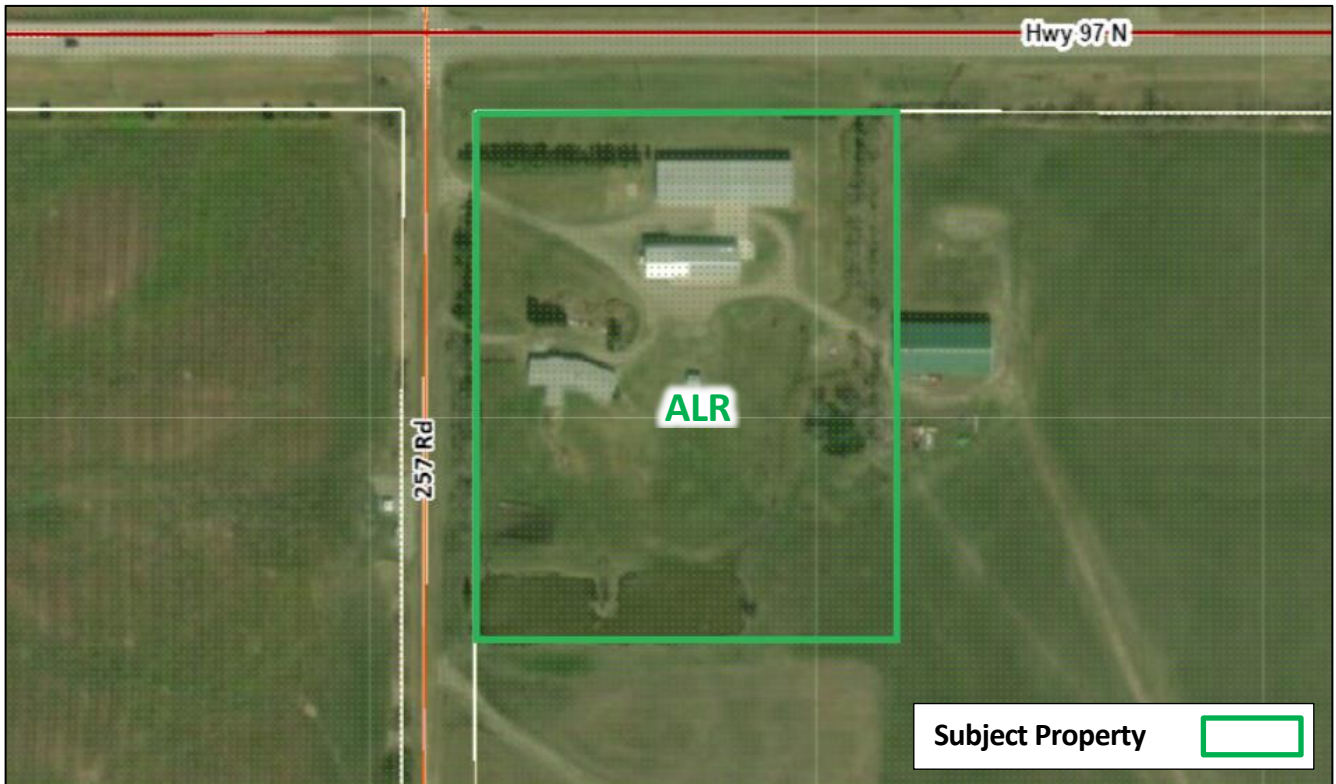
PRRD North Peace Fringe Area Official Community Plan Bylaw No. 2460, 2021: Light Service Industrial



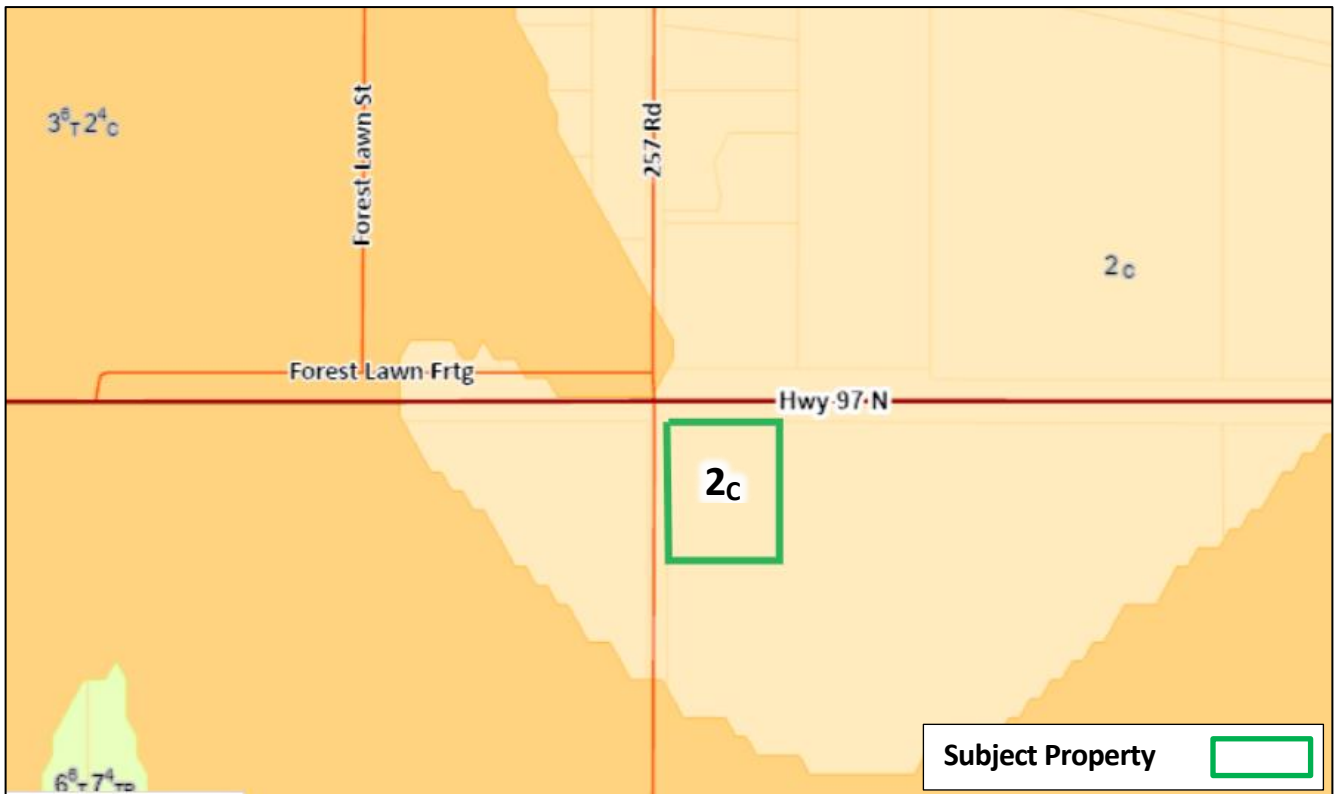
PRRD Zoning Bylaw No. 1343, 2001: Industrial Agriculture Zone (I-3)



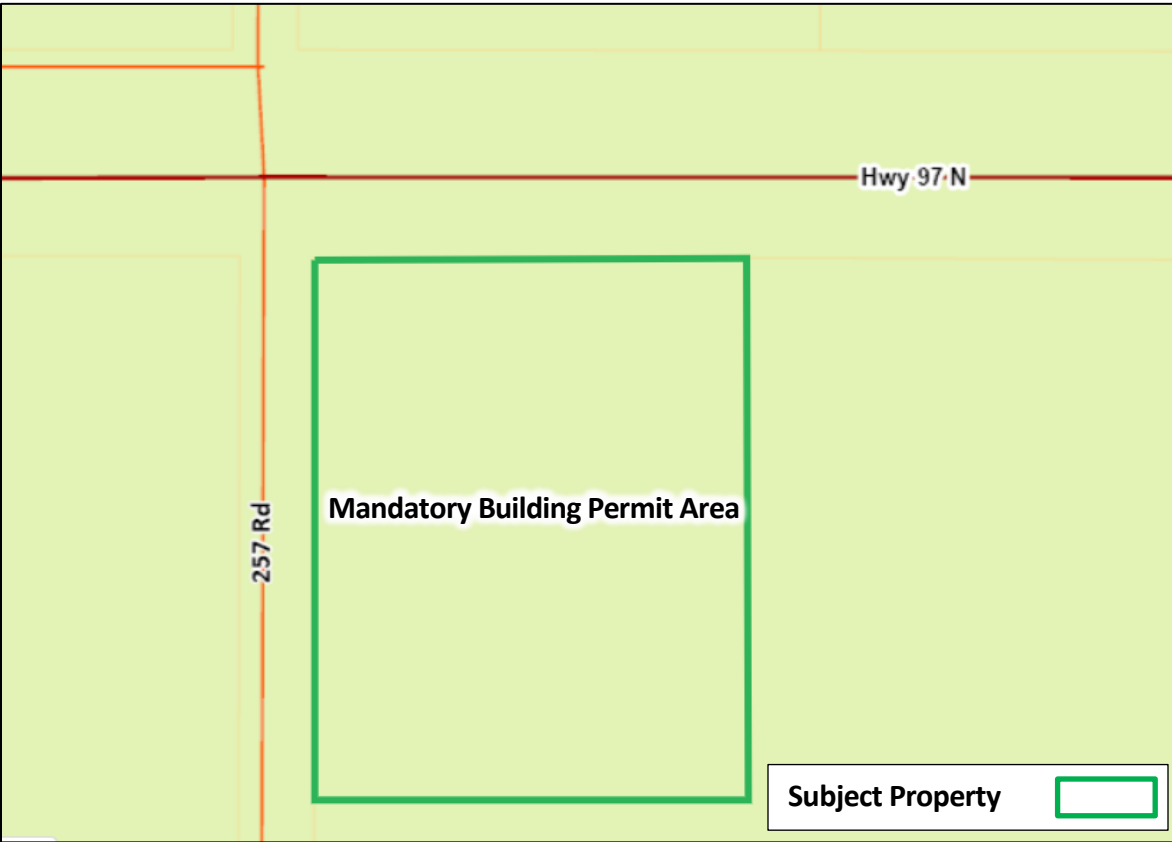
Agricultural Land Reserve: Within



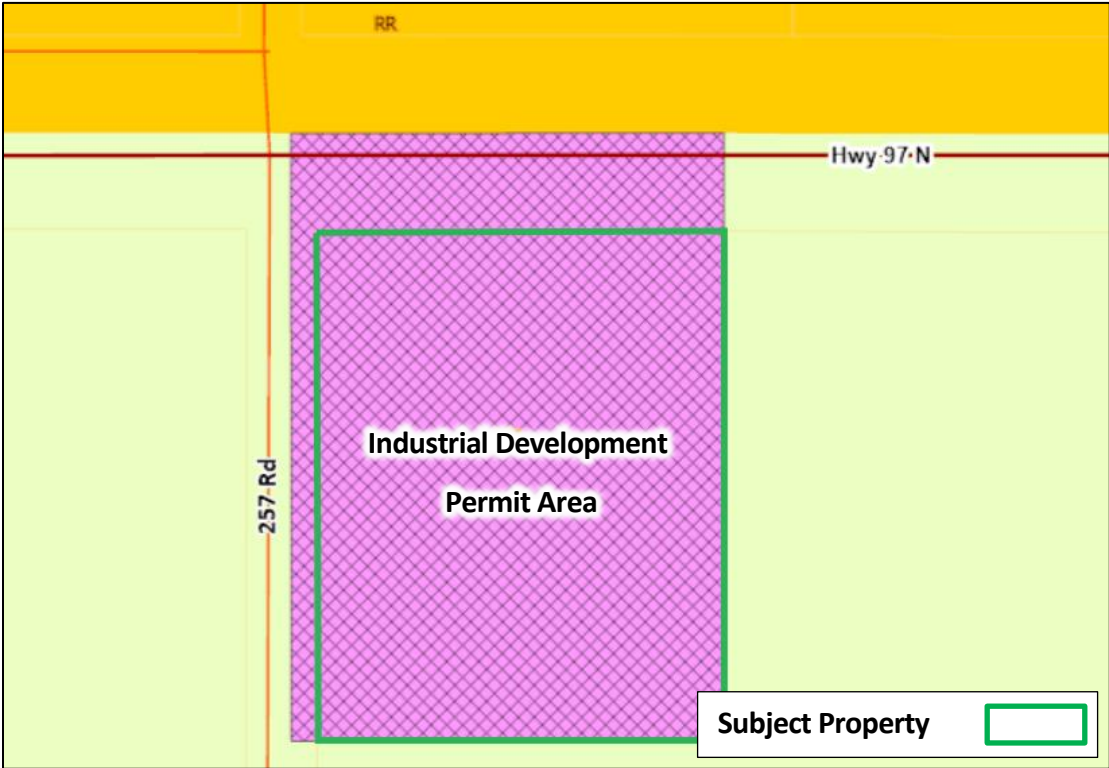
CLI Soil Classification: 2c



Mandatory Building permit Area: Within



Industrial Development Permit Area: Within



Fire Protection Area: Taylor Rural





For Office Use:
Receipt # _____
Date Received _____
File No. _____
Sign Issued: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

Application for Development

1. TYPE OF APPLICATION

	FEE
<input type="checkbox"/> Official Community Plan Bylaw Amendment*	\$ 1,150.00
<input checked="" type="checkbox"/> Zoning Bylaw Amendment* #	\$ 800.00
<input type="checkbox"/> Official Community Plan / Zoning Bylaw Amendment combined* #	\$ 1,200.00
<input type="checkbox"/> Temporary Use Permit*	\$ 500.00
<input type="checkbox"/> Temporary Use Permit Renewal	\$ 350.00
<input type="checkbox"/> Development Permit #	\$ 165.00
<input type="checkbox"/> Development Variance Permit	\$ 165.00

* Sign is required for this application type.

Sign provided by the PRRD and posted pursuant to Section 6 of Bylaw No. 2449, 2021, attached.

Contaminated Site Declaration Form required for this application type.

<input checked="" type="checkbox"/> Exclusion from the Agricultural Land Reserve	\$ 1,500.00
(Applicant responsible for additional costs associated with the advertisements, signage, and facility rental, if applicable)	

2. PLEASE PRINT

Property Owner's Name ROSE ANN FUHR	Authorized Agent of Owner (if applicable) PARKER MINARD
Address of Owner [REDACTED]	Address of Agent [REDACTED]
City/Town/Village: [REDACTED]	City/Town/Village: [REDACTED]
Postal Code: [REDACTED]	Postal Code: [REDACTED]
Telephone Number: [REDACTED]	Telephone Number: [REDACTED]
E-mail: [REDACTED]	E-mail: [REDACTED]

Notice of collection of personal information:

Personal information on this form is collected for the purpose of processing this application. The personal information is collected under the authority of the *Local Government Act* and the bylaws of the PRRD. Documentation/Information submitted in support of this application can be made available for public inspection pursuant to the *Freedom of Information and Protection of Privacy Act*.

3. PROPERTY DESCRIPTION

Full legal description and PID of each property under application	Area of each lot
LOT 1 SECTION 23 TOWNSHIP 83 RANGE 18 WEST OF THE 6TH MERIDIAN PEACE RIVER DISTRICT PLAN 17303	2.96Ha / 7.31Ac ha./acres
	ha./acres
	ha./acres
	TOTAL AREA 2.96Ha ha./acres

4. Civic Address or location of property: 7049 257 Road

5. PARTICULARS OF PROPOSED AMENDMENT

Please check the box(es) that apply to your application type:

Official Community Plan (OCP) Bylaw amendment:

Existing OCP designation: _____

Proposed OCP designation: _____

Text amendment: _____

Zoning Bylaw amendment:

Existing zone: I-3

Proposed zone: I-1

Text amendment: _____

Development Variance Permit – describe proposed variance request:

Temporary Use Permit – describe proposed use:

Development Permit: Bylaw No. _____ Section No. _____

6. Describe the existing use and buildings on the subject property:

House is currently unoccupied. Buildings related to the "Honey Place" are currently unoccupied. Current use is as a rental property for the house.

7. Describe the existing land use and buildings on all lots adjacent to and surrounding the subject property:

(a) North Alaska Highway and then across the Alaska Highway R-5

(b) East Agricultural 2 - Hay field owned by proponent's son.

(c) South Agricultural 2 - Hay field owned by proponent's son.

(d) West Agricultural 2 - Hay field

8. Describe your proposal. Attach a separate sheet if necessary:

The proponent would like to have the Lot 1, Plan 17303 (PID: 011-513-900) removed from the Agricultural Land Reserve. The property is currently zoned I-3 with an OCP designation of Light Service Industrial.

9. Reasons and comments in support of the application. Attach a separate sheet if necessary:

The property has already been subdivided from the parent parcel by Plan 17303 in May of 1967, 8 years prior to the creation of the ALC. The property has been used as a primary residence and honey making business. The property has already been designated as Light Service Industrial in the current OCP for the Peace River Regional District.

Given the properties surrounding this parcel are Agricultural and that no further subdivision is being entertained in the area currently the best use of this existing parcel is as LSI or Commercial

10. Describe the proposed and/or existing means of sewage disposal for the property:

Existing sewage disposal is via lagoon

11. Describe the proposed and/or existing means of water supply for the property:

The property is currently served by a cistern.

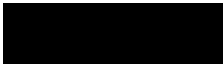
THE FOLLOWING INFORMATION IS REQUIRED DEPENDING ON THE PROPOSAL/APPLICATION:

12. Proof of ownership of the subject property or properties. (For example: Certificate of State of Title, BC Land Title Office Property Title Search or recent Property Tax Notice.)
13. A Sketch Plan of the subject property or properties, showing the following:
 - (a) the legal boundaries and dimensions of the subject property;
 - (b) boundaries, dimensions and area of any proposed lots (if subdivision is being proposed);
 - (c) the location and size of existing buildings and structures on the subject property, with distances to property lines;
 - (d) the location and size of any proposed buildings, structures, or additions thereto, with distances to property lines;
 - (e) the location of any existing sewage disposal systems;
 - (f) the location of any existing or proposed water source.

ADDITIONAL OR MORE DETAILED INFORMATION MAY BE REQUESTED BY THE PEACE RIVER REGIONAL DISTRICT FOLLOWING REVIEW OF YOUR APPLICATION.

If it is necessary for the property boundaries and the location of buildings and structures to be more accurately defined, a survey plan prepared by a British Columbia Land Surveyor may be required.

15. I / We the undersigned hereby declare that the information provided in this application is complete and is, to the best of my / our knowledge, a true statement of the facts related to this application.



Signature of Owner

Aug 16th/23


Date signed

Signature of Owner

Date signed

16. **AGENT'S AUTHORIZATION**

If you have an agent act on your behalf in submission of this application, the following authorization **MUST** be signed by **ALL** property owners.

I / We <u>ROSE ANN FUHR</u> and _____ hereby authorize (name of landowner) (name of landowner)	
<u>PARKER MINARD, BCLS</u> to act on my/our behalf regarding this application. (name of agent)	
Signature of Owner: 	Date: <u>Aug 16/23</u>
Signature of Owner:	Date:



October 10, 2023

Local government file No: 23-001 ALC EXCL & 23-012 ZN

ATTN: Joshua Raposo, Planner 1
Peace River Regional District
VIA EMAIL: Joshua.Raposo@prrd.bc.ca

Re: ALC Exclusion and Rezoning application referrals – 7049 257 Road - (PID: 011-513-900)

Dear Joshua Raposo:

Thank you for providing B.C. Ministry of Agriculture and Food (Ministry) staff with the opportunity to comment on the proposed ALC Exclusion application and rezoning from Agricultural Industrial (I-3) to Light Industrial (I-1) on the subject 2.96-hectare parcel located within the Agricultural Land Reserve (ALR).

Ministry staff offer the following comments:

- The subject property is located along Highway 97 North, south-east of the City of Fort St John. There are many ALR properties in the region, with a small pocket of non-ALR parcels nearby, but not adjacent to, the subject property. A honey production operation previously took place on the site.
- Based on the BC [Soil Information Finder Tool](#) (SIFT) mapping system, the subject property has an agricultural capability rating of 2C. Soils with agricultural capability ratings of 1-3 are considered “prime agricultural lands”, with only mild limitations to agricultural production. The subclass rating of ‘C’ indicates some limitations may exist due to climatic conditions which could require more intensive management practices. None of these limitations preclude the land from being used for agricultural activities including as arable crop land or for non-soil-based agriculture.
- Ministry staff note that as described on the ALC’s [webpages](#), only the Province, local governments, First Nation governments, and other prescribed bodies as per the ALC Act can submit exclusion applications to the ALC. The applicant may want to review

the ALC's [Exclusion Application Guide](#) with the Regional District to confirm the process and requirements, if they have not done so already.

- Ministry staff note that the application does not provide a clear explanation for the proposal or submit a business plan to describe their intention for the property. While the proposed I-1 zone does allow for some agriculturally related uses, the current I-3 zone provides a broader group of uses to support the surrounding agricultural sector and ALR parcels.
- Given the nature of the application and based on the information provided, it is unlikely the proposal will benefit agricultural production in the region in the long-term.
- Ministry staff are available to discuss viable agricultural opportunities with landowners considering pursuing farming activities on ALR land. For more information on [B.C.'s Land Matching Program](#), please visit the [Agrarians Foundation](#) organization website.

If you have any questions or concerns about our comments, please do not hesitate to contact us.

Sincerely,

Gregory Bartle
Land Use Planner
B.C. Ministry of Agriculture and Food
Phone: (778) 974-3836
Email: Gregory.Bartle@gov.bc.ca

Brenna Schilds P. Ag
Regional Agrologist - Peace
Ministry of Agriculture and Food
Phone: 250-795-4101
Email: Brenna.Schildes@gov.bc.ca

Email copy: Agricultural Land Commission - ALC.Referrals@gov.bc.ca